

THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CRIMINAL CASE NO. 2:10-cr-00009-MR-WCM

UNITED STATES OF AMERICA,

)

Plaintiff,

)

vs.

)

JAMES ERNEST LESPIER,

)

Defendant.

)

O R D E R

THIS MATTER is before the Court on the Defendant’s “Renewed Motion for Compassionate Release” [Doc. 198].

The Defendant first filed a motion for compassionate release in October 2021. [Doc. 187]. On November 14, 2022, the Court denied the Defendant’s motion. [Doc. 189]. The Defendant filed an appeal [Doc. 190], and on March 21, 2023, the Court of Appeals affirmed this Court’s Order. [Doc. 196].

In December 2022, the Defendant filed a “Motion for a New Trial Pursuant to F.R.C.P. 33 and Newly Discovered Evidence of Jury Intimidation That Constitutes a Structural Error in the Criminal Proceeding” [Doc. 192]. The Court denied that motion on January 23, 2023. [Doc. 194].

The Defendant now returns to this Court with a second motion for compassionate release. [Doc. 198]. In his motion, the Defendant raises the same grounds that he asserted in his first compassionate release motion as well as in his motion for a new trial. The Defendant has not alleged any changed circumstances that would cause the Court to reconsider its prior analysis. Cf. United States v. Handlon, 53 F.4th 348, 353 (5th Cir. 2022) (holding that second compassionate release motion that “presents changed factual circumstances” must be addressed on its merits). Accordingly, for the reasons previously stated, the Defendant’s second motion for compassionate release is denied.

IT IS, THEREFORE, ORDERED that the Defendant’s “Renewed Motion for Compassionate Release” [Doc. 198] is **DENIED**.

IT IS SO ORDERED.

Signed: September 18, 2023



Martin Reidinger
Chief United States District Judge

